

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE:

SCOTT PETTIT

TABITHA PETTIT

DEBTORS

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CASE NO. 11-90665-BHL-13

**MOTION TO MODIFY DEBTORS' CHAPTER 13 PLAN**

Come now the above-captioned Debtors by Counsel, and files his Motion to Modify Debtors' Chapter 13 Plan. In support of this Motion, Counsel for the Debtors state as follows:

1. Counsel for the Debtors received correspondence from the Chapter 13 Trustee which stated that the Debtors' plan was not feasible based upon a claim filed by GE Money Bank.
2. The Debtors propose to include a secured claim held by GE Money Bank in the amount of \$2,913.09 plus 4.75% interest secured by a 2003 Honda VTX1800C.
3. The Debtors propose to surrender their interest in a 2005 GMC Yukon to Kentucky Telco. The Debtors cannot afford to maintain said vehicle.
4. The Debtors propose to strike the secured claim filed by Kentucky Telco for the 2005 GMC Yukon.
5. The Debtors propose to allow an unsecured claim held by Kentucky Telco for the deficiency balance of said vehicle after a sale. Said claim shall be paid pro-rata with other unsecured creditors who have filed claims.
6. The Debtors propose to cure their pending plan delinquency up through and including September, 2011 by the reduction of the base amount of their plan after surrendering said vehicle.
7. The Debtors propose to fund future payments by an ACH deduction.
8. ***If the plan payments are not kept current for the six (6) months following this agreement, the Trustee will contact the Court with a "notice of Failure to Abide by Settlement" and the bankruptcy case will be automatically dismissed.***

WHEREFORE, the Debtors, by Counsel, request the Court to modify their plan by decreasing their payments from \$2,640.55 per month to \$2,484.44 per month commencing in November, 2011 (the Debtors' October, 2011 payment shall be \$2,640.55).

Dated this 26<sup>th</sup> day of October, 2011.

/s/Lloyd E. Koehler  
Lloyd E. Koehler  
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/s/Scott Pettit  
SCOTT PETTIT

/s/Tabitha Pettit  
TABITHA PETTIT

CERTIFICATE OF SERVICE

The undersigned certifies that on the 26<sup>th</sup> day of October, 2011 a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties through the Court's system:

Joseph Black, Jr. Chapter 13 Trustee: [jmbecf@trustee13.com](mailto:jmbecf@trustee13.com)

U.S. Trustee: [ustpreion10.in.ecf@usdoj.gov](mailto:ustpreion10.in.ecf@usdoj.gov)

/s/Lloyd E. Koehler  
Lloyd E. Koehler